

BOARD OF ADJUSTMENT MINUTES

MARCH 23, 2022

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, March 23, 2022. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> in excess of 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Curtis McCarty called the meeting to order at 4:31 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Brad Worster
Patrick Schrank
Curtis McCarty

MEMBERS ABSENT

James Howard

A quorum was present.

STAFF PRESENT

Logan Hubble, Planner I
Roné Tromble, Admin. Tech. IV
Elisabeth Muckala, Asst. City Attorney

* * *

Item No. 3, being:

APPROVAL OF MINUTES OF THE FEBRUARY 23, 2022 REGULAR MEETING

Brad Worster moved to approve the minutes of the February 23, 2022 Regular Meeting as presented. Patrick Schrank seconded the motion. There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Patrick Schrank, Curtis McCarty
NAYS	None
ABSENT	James Howard

The motion to approve the February 23, 2022 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 3-0.

* * *

Item No. 4, being:

BOA-2122-7 – KEVIN EASLEY HAS FILED AN APPEAL OF THE DECISION OF THE HISTORIC DISTRICT COMMISSION ON THE GROUNDS THAT THE HISTORIC DISTRICT COMMISSION FAILED TO APPLY THE PROPER STANDARDS FOR PROPERTY LOCATED AT 549 S. LAHOMA AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Postponement Memo
2. Request for Postponement

Chairman McCarty announced that the applicant has requested postponement of this item to the April 27, 2022 meeting of the Board.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

1. Mr. Worster asked the status of the pending Supreme Court case.

Ms. Muckala said there is a pending Supreme Court appeal; it is still pending. Mr. Knighton had requested, on behalf of the City, a postponement to wait and see what happens. Procedurally, we have separate pending items. What happens at the Supreme Court could be inconsistent with what the Board of Adjustment would decide. From the City's standpoint, it's a safe approach to wait and see what happens, without creating a second line of appeals.

2. Mr. McCarty asked if she would recommend that the Board continue to postpone this, or take it off the agenda and let them reapply.

Ms. Muckala responded that if it is indefinitely postponed, taken off the agenda, or denied, that would prompt, theoretically, the basis for another appeal. The crux of the City's position is actually that this appeal is not founded, and we have argued that in court. She thinks it quite likely that if anything finalized it in this tribunal, that it would create another appeal in another tribunal, so keeping it here keeps that from happening. The reason that the City would probably be requesting its own postponements meeting-by-meeting is because we can't predict when the Supreme Court is going to act, so it would be an item that keeps getting postponed to a definite date, because an indefinite postponement would, for procedural purposes, kill the item.

Brad Worster moved to postpone BOA-2122-7 to the April 27, 2022 meeting. Patrick Schrank seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Patrick Schrank, Curtis McCarty
NAYS	None
ABSENT	James Howard

The motion, to postpone BOA-2122-7, passed by a vote of 3-0.

* * *

Item No. 5, being:

BOA-2122-15 – DANIEL SCHWARTZ REQUESTS A VARIANCE OF 188 SQUARE FEET OR 3% TO THE MAXIMUM BUILDING COVERAGE ALLOWED BY SECTION 22:421.1(3)(F) FOR AN ADDITION TO THE EXISTING STRUCTURE FOR PROPERTY LOCATED AT 514 W. EUFAULA STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

Chairman McCarty announced that the applicant has requested postponement of this item to the April 27, 2022 meeting of the Board.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Brad Worster moved to postpone BOA-2122-15 to the April 27, 2022 meeting. Patrick Schrank seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Patrick Schrank, Curtis McCarty
NAYS	None
ABSENT	James Howard

The motion, to postpone BOA-2122-15 to the April 27, 2022 meeting, passed by a vote of 3-0.

* * *

Item No. 6, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

1. Ms. Muckala – Speaking of Supreme Court appeals, we have a decision in the Magnum case and, unfortunately, from my perspective, they have reinstated the trial court's ruling in favor of Magnum, which means that they do not have to comply with the umbrella insurance requirement. Procedurally what happened is they requested a variance from complying with that, which was denied, so they have appealed and the Court has agreed that they don't have to comply. What that means for you, procedurally, is nothing; there's nothing you have to do. It's not coming back. Going forward, there might be changes, but those would be administrative or in the form of an amendment that won't come across your desk. So if anything does happen as far as the code changing and your responsibilities, you'll be notified of that. Probably, more likely, the result for you will be that you just see fewer applications relating to certain matters. We literally just got this opinion yesterday, so we're trying to formalize our response to it, to implementing it. I think it's doubtful that you'll see more variances; I think very much the opposite. I will email you a copy of the opinion; I just wanted to give you a heads up on it first so you can read it yourself. There are several portions which I think are unfortunate and I disagree with on behalf of the City. If you have any questions, you can feel free to call, email, whatever. I'll be happy to expound further.

* * *

Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:40 p.m.

PASSED and ADOPTED this 27th day of April, 2022.



Board of Adjustment